



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

29 January – 09 February 2007

This report summarizes United States federal regulatory items reviewed by the National Aeronautics and Space Administration (NASA) Principal Center for Regulatory Risk Analysis and Communication (RRAC PC) during the timeframe. Items that appear to have limited interest to the NASA community are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under “Description.” Related documents and citations, such as “71 *Federal Register* (FR) 51967,” are linked to the appropriate document for quick access. The minimum suggested follow-up actions are noted with significant items; users should be advised that other follow-up actions may be appropriate for their program or facility.

Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Lead, Sharon Scroggins/MSFC at 256-544-7932 (sharon.scroggins@nasa.gov).

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1.0 U.S. Federal Regulatory Review

1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts on NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date Published	Citation	Type Action	Description	Suggested Actions
Fed-2007-09	CAA - NSPS–Medial Waste Incinerators	02/06/07	72 FR 5510	Proposed Rule	Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators [40 CFR Part 60]. Proposes to revise the emission limits in the subject NSPS and emission guidelines. Comments due 4/9/07 [EPA-HQ-OAR-2006-0534; FRL-8274-9]; RIN 2060-A004. The RRAC PC is not aware of any NASA facility that operates or is responsible for permitting a medical waste incinerator. If anyone has potential issues, they should contact Sharon Scroggins/MSFC.	
Fed-2007-10	CAA NSPS–Steam Generators	02/09/07	72 FR 6320	Proposed Rule	Standards of Performance for Several Types of Steam Generators; Reconsideration and Amendments [40 CFR Part 60]. Proposes to amend specific provisions in the NSPS for several types of steam-generating units to resolve issues and questions, and to correct technical and editorial errors that have been identified since promulgation.	
Fed-2007-11	CAA Test Methods	1/30/07	72 FR 4257	Notice	Notice of Broadly Applicable Alternative Test Methods Announces EPA's plan to issue broadly applicable alternative test method approvals in the future. EPA will post these broadly applicable approvals on the technology transfer network website, as well as announce them in the FR.	
Fed-2007-12	Energy Conservation Distribution Transformers	02/09/07	72 FR 6186	Notice of Data Availability	Office of Energy Efficiency and Renewable Energy, Department of Energy Energy Conservation Program for Commercial Equipment: Distribution Transformers Energy Conservation Standards [10 CFR Part 431]. Requests comments on the inclusion of potential costs related to size constraints of transformers installed in vaults in response to stakeholder comments to a previous proposal for liquid-immersed and medium-voltage, dry-type distribution transformers. DOE also is considering an additional option for the final efficiency levels for liquid-immersed distribution transformers. Comments due 3/12/07 [RIN 1904-AB08].	
Fed-2007-13	Hazardous Materials	01/31/07	72 FR 4442	Final rule	Pipeline and Hazardous Materials Safety Administration, Department of Transportation [49 CFR Parts 171, 172, 173, 175 and 178] Hazardous Materials Regulations (HMR): Transportation of Compressed Oxygen, Other Oxidizing Gases, and Chemical Oxygen Generators on Aircraft Amends the HMR to: <ul style="list-style-type: none"> Require cylinders of compressed oxygen and other oxidizing gases and packages of chemical oxygen generators to be placed in an outer packaging that meets certain flame penetration and thermal resistance requirements when transported aboard an aircraft Revise the PRD setting limit on cylinders of oxidizing gases transported aboard aircraft Limit the types of cylinders authorized for transporting compressed oxygen aboard aircraft Convert most of the provisions of an oxygen generator approval into the HMR requirements Effective 10/01/07; voluntary compliance is authorized as of 03/02/07 [RSPA-04-17664 (HM-224B)]; RIN 2137-AD33. May be of interest to programs or facilities that transport such materials via aircraft.	

RRAC PC Tracking Number	Subject	Date Published	Citation	Type Action	Description	Suggested Actions
Fed-2007-14	Nuclear	02/06/07	72 FR 5348	Proposed Rule	<p>Nuclear Regulatory Commission</p> <p>Regulatory Improvements to the Nuclear Materials Management and Safeguards System [10 CFR Parts 40, 72, 74, and 150].</p> <p>Would amend regulations related to licensee reporting requirements for source material and SNM to the NMMSS. The proposal would do the following:</p> <ul style="list-style-type: none"> • Lower the threshold of the quantities of SNM and certain source materials that require the submission of material status reports to the NMMSS • Modify the types and timing of submittals of transaction reports to the NMMSS • Require licensees to reconcile any material inventory discrepancies that NRC identifies in the NMMSS database <p>Amendments would reduce current reporting requirements related to the export of certain source material and SNM. However, the annual reporting requirements would be new requirements for licensees who possess 350 grams or less of SNM. Comments due 04/23/2007 RIN: 3150-AH85.</p> <p>May be of interest to NASA facilities where nuclear work is conducted.</p>	
<p>Notes:</p> <p>FR = <i>Federal Register</i></p> <p>CFR = <i>Code of Federal Regulations</i></p> <p>EPA = U.S. Environmental Protection Agency</p> <p>CAA = Clean Air Act</p> <p>FY = Fiscal year</p> <p>NSPS = New Source Performance Standards</p> <p>RRAC PC = Regulatory Risk Analysis and Communication</p> <p>DOE = Department of Energy</p>				<p>HMR = Hazardous Materials Regulations</p> <p>PRD = Pressure relief device</p> <p>RCRA = Resource Conservation and Recovery Act</p> <p>CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act</p> <p>SNM = Special nuclear material</p> <p>NMMSS = Nuclear Materials Management and Safeguards System</p> <p>NRC = Nuclear Regulatory Commission</p>		

1.2 Discussion of Significant Actions and Other Developments

1.2.1 EPA's Polychlorinated Biphenyl Program to be Transferred

The U.S. Environmental Protection Agency (EPA) is transferring the management of its program on the cleanup and disposal of polychlorinated biphenyls (PCBs) from the Office of Prevention, Pesticides, and Toxic Substances (OPPTS) to the Office of Solid Waste and Emergency Response (OSWER) effective 1 October 2007. OSWER is the office within EPA that manages most cleanup and disposal activities. The transfer will group together similar activities in one office that will lead to increased program efficiencies. OSWER will implement PCB regulations under the Toxic Substances Control Act (TSCA), and OPPT will continue to manage the current authorized uses of PCBs. There will be no changes to the PCB regulations under 40 CFR 761 before or immediately following the transfer. Any future changes to the PCB regulations probably would not occur until after 2008. The management of PCB cleanup and disposal under TSCA will continue to be a federally implemented program and will not be delegated to the states.

1.2.2 United Nations Panel Climate Change Assessment

The United Nations' Intergovernmental Panel on Climate Change (IPCC) issues periodic climate change assessments. On 2 February 2007, the IPCC published the first of four volumes comprising this year's assessment. This volume, *Climate Change 2007: The Physical Science Basis*, is available online at <http://www.ipcc.ch/SPM2feb07.pdf>. The other three volumes will be published sequentially later this year.

1.3 Status of Selected Continuing Actions in Progress

This section illustrates the status of selected actions the RRAC PC is actively tracking. Imminent actions are shown in red text. Questions about any of these actions or suggestions for additions to this list should be directed to Sharon Scroggins/MSFC.

Significant Dates		Subject Action [RIN]	Type of Action	Comments
NPRM	08/07	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations.
Final Action	08/08			Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.
NPRM	09/07	CAA: Continued Use of ODS in Mission-Critical Applications	Pre-rule	Space vehicle operational impacts.
Final Action	01/09			NASA is currently in discussions with EPA regarding options to enable future use of relatively small quantities of ODS for mission-critical applications. Latest discussions suggest that future production of ODS will require the certified destruction of other, existing ODS (contaminated, etc.) with an offset of approximately 15%.
ANPRM	01/07	CAA: Risk and Technology Review, Phase II [2060-AN85]	Pre-rule	Possible space vehicle operational or materials impacts.
NPRM	06/07			Evaluation of residual risk remaining after implementation of numerous NESHAPs, including those regulating the Aerospace and Chrome Electroplating source categories. This rulemaking represents a relatively low risk of EPA imposing limits on HAP and VOC levels contained in coatings, cleaning solvents, and other materials used on flight hardware. Potential further restrictions on the chrome electroplating or other source categories also could affect vendor facilities.
Final Action	06/08			
NPRM	01/03/07	NESHAP General Provisions – Once In, Always In [2060-AM75]	Proposed Rule	Possible impacts to facilities, including space flight support facilities.
Final Action	12/07			KSC and MSFC currently are major sources of HAPs; MAF recently attained "synthetic minor" status. As proposed, this rule potentially could allow MAF to be considered an area source, no longer subject to any NESHAP requirements for major sources. However, this rule also will require any facility switching from major source to area source status to comply with any applicable area source regulations.
NPRM	03/07/06	SNUR: Perfluorinated Polymers [2070-AD58]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	12/07			Rule would require manufacturers to notify EPA of any new materials or significant uses of perfluorinated polymers including those containing perfluoroalkyl sulfonates (PFAS); perfluoroalkyl carboxylates (PFAC); fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.
NPRM	03/10/06	SNUR: Perfluoroalkyl Sulfonates [2070-AJ18]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	05/07			Rule would limit or eliminate uses of PFAS, a family of chemicals used as additives, waterproofing agents, etc. The rule would effectively allow the use of PFAS chemicals only as components of aviation hydraulic fluids; photoresist substances; anti-reflective coatings; coatings for surface tension, static discharge, and adhesion control related to imaging applications; or as a chemical intermediate. SSP Orbiter tile waterproofing materials previously incorporated a PFAS additive, but have been replaced. It is unknown whether regulating additional PFAS-related chemicals would affect other operational materials.
NPRM	08/11/06	DEA: Iodine [1117-AA93]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	04/07			The DEA is proposing to change the way iodine and its mixtures are regulated due to its uses related to illicit drug manufacturing. The rule would require additional controls and facility licensing for purchase, transport, and storage of iodine and mixtures containing more than 2.2 percent iodine. The space suits and International Space Station use such products for water disinfection and could have supply chain impacts in the future.

Notes:

NPRM = Notice of Proposed Rulemaking
 ANPRM = Advance Notice of Proposed Rulemaking
 NESHAP = National Emission Standards for Hazardous Air Pollutants
 NASA = National Aeronautics and Space Administration
 GSE = Ground support equipment
 CAA = Clean Air Act
 ODS = Ozone depleting substances
 EPA = U.S. Environmental Protection Agency

VOC = Volatile organic compound
 FR = *Federal Register*
 KSC = Kennedy Space Center
 MSFC = Marshall Space Flight Center
 SNUR = Significant new use rule
 SSP = Space Shuttle Program
 DEA = Drug Enforcement Administration
 HAP = Hazardous air pollutant

1.4 Clean Air Act Working Group Updates

1.4.1 Clean Air Act Working Group Telecons and Face-to-Face for 2007

The Clean Air Act Working Group (CAAWG) will hold telecons on the following Wednesdays in 2007 at 2 p.m. ET, 1 p.m. CT, 12 p.m. MT, and 11 a.m. PT:

- 21 February 2007
- 21 March 2007
- 18 April 2007
- 20 June 2007
- 18 July 2007
- 15 August 2007
- 19 September 2007
- 17 October 2007
- 14 November 2007
- 19 December 2007

Materials and dial-in numbers for these calls will be provided before each call.

There will not be a CAAWG conference call in May 2007 because a CAAWG face-to-face (F2F) meeting will be held on Monday, 14 May 2007, in Huntsville, Alabama. The F2F is being held in conjunction with the Space Shuttle Environmental Assurance team F2F, which is scheduled for 15 and 16 May 2007. Additional information regarding the F2F will be provided as it becomes available.

2.0 State Regulatory Reviews

The following sections provide details of regulatory actions reviewed for each state in which NASA facilities are located.

2.1 Alabama State Regulatory Review

No items of interest were found during this reporting period for the state of Alabama.

2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in California.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA-2007-08	Air PERP and ATCM	02/06/07	California Regulatory Notice Register 2007, No. 5-Z, 2 February 2007	Notice	<p>Notice of Public Hearing to Consider Adoption of Proposed Amendments to the Statewide Portable Equipment Registration Program (PERP) Regulation and the Airborne Toxic Control Measure (ATCM) for Diesel-fueled Portable Engines</p> <p>Hearing on proposal to redefine what constitutes a resident engine in the Statewide PERP Regulation to include those Tier 1 and 2 engines that had been operating in California between 01/03/04 and 01/10/06. This revised definition will prevent the importation from out of state of Tier 1 or 2 engines that would negatively affect California's ambient air quality. Date: 03/22/07. 9:00 a.m., at the CalEPA ARB office, Sacramento, California.</p>	NASA's California facilities should be aware of this hearing and the proposal it addresses.

2.3 Florida State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Florida.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL-2007-03	Air General Provisions	1/8/07	62-204.800	Final Rule	<p>62-204.800 Federal Regulations adopted by Reference [Chapter 62- Department of Environmental Protection 204 - Air Pollution Control General Provisions]</p> <p>Updates, through 9/30/2006, the Department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 <i>Code of Federal Regulations</i> (CFR) Parts 51, 60, 63, and 65. Specific Authority: 403.8055 FS. This includes New Source Performance Standards (NSPS) for stationary spark ignition (SI) internal combustion engines (ICE). The NSPS would regulate nitrogen oxides, carbon monoxide, and non-methane hydrocarbons from new, modified, and reconstructed stationary SI engines.</p>	
FL-2007-04	Air Stationary Sources	1/31/07	62-204.340	Final Rule	<p>62-204.304 Designation of Attainment, Nonattainment, and Maintenance Areas [Chapter 62 - Department of Environmental Protection 204 – Section 340]</p> <p>Amends Chapter 62-204, Florida Administrative Code (F.A.C.), to update the Department's adoption by reference of EPA regional haze regulations at 40 CFR Part 51. The update includes recent revisions to EPA's regulations related to Best Available Retrofit Technology (BART). Pursuant to the federal Clean Air Act, the Department is required to ensure that certain sources of visibility-impairing pollutants in Florida use BART to reduce the impact of their emissions on regional haze. The amendments are part of the Department's overall rulemaking project to implement the BART requirement.</p>	The Kennedy Space Center (KSC) should be aware of these changes to Florida air regulations.
FL-2007-05	Energy	2/9/07	Proposed 62-16: Florida Administrative Weekly 2 February 2007 – Vol./No. 33/6	Proposed Rule	<p>Implementation of Florida Renewable Energy Technologies and Energy Efficiency Act [Chapter 62 - Department of Environmental Protection 16 - Renewable Energy Technologies and Energy Efficiency]</p> <p>Proposes to create a new rule Chapter 62-16, F.A.C., related to the implementation of the Florida Renewable Energy Technologies, and Energy Efficiency Act, Sections 377.801-.806, Florida Statutes (F.S.). The proposed rule addresses the Renewable Energy Technologies Grants Program and the Solar Energy Systems Incentives Program. Also proposes to implement the corporate tax incentives provided for renewable energy technologies pursuant to Section 220.192, F.S.</p> <p>May be of interest to KSC for pollution prevention or energy-related compliance requirements.</p>	

2.4 Hawaii State Regulatory Review

No items of interest were found during this reporting period for the state of Hawaii.

2.5 Louisiana State Regulatory Review

No items of interest were found during this reporting period for the state of Louisiana.

2.6 Maryland State Regulatory Review

No items of interest were found during this reporting period for the state of Maryland.

2.7 Mississippi State Regulatory Review

No items of interest were found during this reporting period for the state of Mississippi.

2.8 New Mexico State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in New Mexico.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM-2007-02	Air Mercury Rule	01/31/07	NMAC 20.2.71, 20.2.77, 20.2.84, 20.2.85 New Mexico Register Volume XVIII, Issue No. 2 (Published 31 January 2007)	Proposed Rule	Clean Air Mercury Rule The New Mexico Environment Department (NMED) proposes to adopt a new regulation, 20.2.85 NMAC, to create mercury emission limitations and compliance schedules for electric-generating units. In doing so, NMED proposes to satisfy obligations pursuant to the U.S. Environmental Protection Agency's (EPA's) Clean Air Mercury Rule. Additionally, NMED proposes to revise the following regulations: 20.2.71 NMAC to incorporate fees for mercury emission limitations; 20.2.77 NMAC to incorporate by reference federal New Source Performance Standards; and 20.2.84 NMAC to incorporate definitions added to federal regulations as part of the Clean Air Mercury Rule. The proposed new and revised regulations will be consistent with the federal Clean Air Mercury Rule. A public hearing will be held on 03/04/07 in Albuquerque, New Mexico.	
NM-2007-03	Clean Air Hazardous Air Pollutants	01/31/07	NMAC 20.2.78, 20.2.82 New Mexico Register Volume XVIII, Issue No. 2 (Published 31 January 2007)	Proposed Rule Revision	NESHAP Requirements NMED proposes to revise 20.2.78 NMAC to incorporate by reference federal National Emission Standards for Hazardous Air Pollutants (NESHAP). NMED proposes to revise 20.2.82 NMAC to incorporate by reference federal Maximum Achievable Control Technology Standards for Source Categories. The proposed revised regulations will be consistent with the federal National Emission Standards for Hazardous Air Pollutants and Maximum Achievable Control Technology Standards for Source Categories. A public hearing will be held on 03/04/07 in Albuquerque, New Mexico.	
NM-2007-04	Solid Waste Solid Waste Management	01/31/07	NMAC 20.9.4	Proposed Rule Revision	Solid Waste Management Plan NMED is considering a repeal and replacement of the Solid Waste Management Plan regulations, 20.9.4 NMAC. The Solid Waste Management Plan is intended to provide guidance concerning solid waste management decision-makers, practitioners, and communities. The replacement Plan will affect: waste characterization, waste diversion, siting and capacity of solid waste facilities, education, funding for disposal and diversion, and environmental justice. A public hearing will be held on 03/04/07 in Albuquerque, New Mexico. More information regarding the proposed rule can be found using the following link: New Mexico Register Volume XVIII, Issue No. 2 (published 31/01/07) http://www.nmcpr.state.nm.us/nmregister/.	

2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Ohio.

RRAC PC State Tracking Number	Subject	Date Published	Citation	Type Action	Description	Suggested Actions
OH-2007-06	Wastewater Pretreatment Standards	01/29/07	OAC 3745-36	Final Rule	<p>Final Pretreatment Program Rules (OAC 3745-3 and 3745-36)</p> <p>Updates OAC 3745-36 to reflect the amendments to the rule, adopted on 12/22/06. These rules provide the administrative requirements for the development and implementation of pretreatment programs regulating industrial discharges to publicly owned treatment works (POTW). The rules were amended, in part, to be consistent with the national "pretreatment streamlining rule" published by the U.S. Environmental Protection Agency (EPA) in the <i>Federal Register</i> (FR) on 14/10/05. These rules prohibit certain pollutants from being discharged to the POTW by industrial users and set limits on other pollutants. The rules also set sampling and reporting requirements for industrial users. Effective Date: 02/01/07.</p> <p>These rules were amended to reflect updates made to the federal pretreatment rules.</p>	NASA facilities should consider reviewing for applicability.
OH-2007-07	Hazardous Waste Annual Hazardous Waste Report	02/09/07	ORC 3745-52-41	Annual Report Update	<p>The Division of Hazardous Waste Management (DHW) Annual-Report-Notice Annual Report Update</p> <p>Facilities are required to file a hazardous waste annual report prior to 03/01/07. Reference information for receiving facilities and transporters has been updated and can be obtained from the DRUMS Annual Report Data Entry Module (DEM) webpage. The latest version of the electronic files can be downloaded if filing electronically.</p> <p>This update was provided for facilities that are required to submit an annual hazardous waste report.</p>	NASA facilities should review the document and website before filing annual hazardous waste reports.

2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Texas.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX-2007-02	Air Stage II Volatile Organic Compound (VOC) Controls	1/26/07	32 Texas Register 282	Proposed Rule	<p>Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel-dispensing Facilities [30 TAC §115.247]</p> <p>Would add exemption from Stage II Vapor Controls requirements for individual dispensers used exclusively for the initial fueling and/or re-fueling of vehicles equipped with onboard refueling vapor recovery (ORVR) equipment. Comments due 3/15/07.</p> <p>ORVRs are required on many newer vehicles. If all vehicles that use a dispensing unit are equipped with ORVR, Stage II controls would not be required.</p>	

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions																								
TX-2007-03	Air Regional Haze, BART	1/26/07	32 Texas Register 318	Adopted Rule	<p>Control of Air Pollution by Permits for New Construction or Modification, Best Available Retrofit Technology (BART) [30 Texas Administrative Code (TAC) §§116.1500, 116.1510, 116.1520, 116.1530, and 116.1540].</p> <p>Adopted rules ensure that owners or operators of sources that are subject to BART requirements perform a BART engineering evaluation to determine the appropriate level of BART and subsequently implement any required BART controls. Also provide mechanisms for BART-eligible sources to demonstrate that they do not significantly affect visibility in Class I areas and are therefore not subject to BART control requirements. BART-eligible sources meet the following requirements</p> <ul style="list-style-type: none">Have the potential to emit 250 tons per year (tpy) or more of nitrogen oxide (NO_x), sulfur dioxide (SO₂), or particulate matter (PM)Were built or reconstructed between 08/07/62 and 08/07/77Belong to one of the following source categories: <table><tr><td>Petroleum refineries</td><td>Lime plants</td><td>Secondary metal production facilities</td></tr><tr><td>Coal-cleaning plants</td><td>Phosphate rock processing plants</td><td>Chemical process plants</td></tr><tr><td>Portland cement plants</td><td>Sulfur recovery plants</td><td>Petroleum storage and transfer facilities with capacity exceeding 300,000 barrels</td></tr><tr><td>Primary zinc smelters</td><td>Carbon black plants (furnace processes)</td><td>Taconite ore processing facilities</td></tr><tr><td>Sintering plants</td><td>Primary lead smelters</td><td>Glass fiber processing plants</td></tr><tr><td>Hydrofluoric, sulfuric, and nitric acid plants</td><td>Fuel conversion plants</td><td>Charcoal production facilities</td></tr><tr><td>Fossil fuel-fired boilers of more than 250 million British thermal units (BTUs) per hour heat input</td><td>Fossil fuel-fired steam electric plants of more than 250 million BTUs per hour heat input</td><td>Municipal incinerators capable of charging more than 250 tons of refuse per day</td></tr><tr><td>Kraft pulp mills</td><td>Coke oven batteries</td><td></td></tr></table>	Petroleum refineries	Lime plants	Secondary metal production facilities	Coal-cleaning plants	Phosphate rock processing plants	Chemical process plants	Portland cement plants	Sulfur recovery plants	Petroleum storage and transfer facilities with capacity exceeding 300,000 barrels	Primary zinc smelters	Carbon black plants (furnace processes)	Taconite ore processing facilities	Sintering plants	Primary lead smelters	Glass fiber processing plants	Hydrofluoric, sulfuric, and nitric acid plants	Fuel conversion plants	Charcoal production facilities	Fossil fuel-fired boilers of more than 250 million British thermal units (BTUs) per hour heat input	Fossil fuel-fired steam electric plants of more than 250 million BTUs per hour heat input	Municipal incinerators capable of charging more than 250 tons of refuse per day	Kraft pulp mills	Coke oven batteries		NASA should consider evaluating Johnson Space Center's emission sources to determine if any are BART-eligible.
Petroleum refineries	Lime plants	Secondary metal production facilities																												
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RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX-2007-04	Air Transportation Conformity SIP	2/09/07	32 Texas Register 499	Proposed Rule	<p>Control of Air Pollution from Motor Vehicles - Transportation Planning [30 TAC §114.260]</p> <p>Aligns the state transportation planning rule with the current federal requirements by incorporating the following changes to the Federal Transportation Conformity Rule:</p> <ul style="list-style-type: none"> • 06/05/05 federal amendment—specifies the transportation-related PM_{2.5} precursors and when they apply in transportation conformity determinations in PM_{2.5} nonattainment and maintenance areas • 10/03/06 federal amendment—deletes the current quantitative PM₁₀ and PM_{2.5} hot-spot analysis requirement from the state's conformity consultation requirements • Changes enacted with passage of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which was signed into law on 10/08/05—Requires states to address and tailor only the following three sections of the conformity rule in their conformity state implementation plans (SIPs), which: 1) address consultation procedures; 2) require that written commitments to control measures that are not included in a Metropolitan Planning Organization's transportation plan must be obtained before a conformity determination and that such commitments must be fulfilled; and 3) require that written commitments to mitigation measures must be obtained before a project-level conformity determination and that project sponsors must comply with such commitments. <p>The proposed rule also would address when a non-federal, regionally significant project is considered adopted or approved by a non-federal entity, and would make administrative and grammatical changes and corrections to the existing rule language. Comments due 3/12/07.</p>	
TX-2007-05	Clean Texas Program	2/09/07	32 Texas Register 533	Adopted Rules	<p>Innovative Programs [30 TAC §90.2, 30 TAC §§90.30, 90.36, 90.40, 90.42, and 90.44]</p> <p>Changes the name of the Clean Texas, Clean World program to Clean Texas. Amends rules so that participants will no longer be required to implement an Environmental Management System (EMS) that meets a Texas Commission on Environmental Quality (TCEQ) EMS standard. Instead, the TCEQ will recognize any established EMS framework that meets the statutory provisions of the Texas Water Code. Also, TCEQ staff will no longer conduct EMS audits for approval into the program. EMS must be certified by an independent assessor. Notes documentation necessary for eligibility review. Changes eligibility requirements for regulatory incentives based on an EMS. Defines the different compliance periods for each level of the Clean Texas program. Effective 2/15/07.</p>	

2.11 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Virginia.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA-2007-01	Hazardous Waste Management	02/05/07	9 VAC 20-110	Final Rule	<p>9 Virginia Administrative Code (VAC) 20-110-110 – Compliance</p> <p>Virginia incorporates the federal regulations under Title 49 of the <i>Code of Federal Regulations</i> (CFR) by reference. This section specifies the amended date on which the federal regulations are incorporated into Virginia regulations (1/10 of previous year through 30/09 of current year). This regulation was amended to reflect updates to Title 49 of the CFR.</p>	
VA-2007-02	Hazardous Waste Management	02/05/07	9 VAC 20-110	Final Rule	<p>9 VAC 20-110-90 B – Judicial Enforcement</p> <p>Statutory penalties for violation of the regulations have changed; therefore, a note in this subchapter has been deleted. This regulation was amended to reflect updates to Title 49 of the CFR.</p>	
VA-2007-03	Radiation Protection Schedule	02/05/07	12 VAC 5-490	Proposed Rule	<p>12 VAC 5-490 – Virginia Radiation Protection</p> <p>Proposed rule is to amend existing regulations to include additional types of X-ray machines in the inspection fee schedule, increase the registration fees for X-ray machines, and adopt new fees for licensing and inspecting radioactive materials facilities. Comments due 07/03/07.</p> <p>May be of interest to facilities that have X-ray capabilities.</p>	
VA-2007-04	Biosolids	02/09/07	12 VAC 5-585	Final Rule	<p>12 VAC 5-585 – Biosolids Use Regulations</p> <p>This rule outlines requirements for facilities at which biosolids are land-applied.</p> <p>May be of interest to facilities engaged in biosolids land application activities.</p>	